



General Assembly

January Session, 2009

Raised Bill No. 1139

LCO No. 4964

04964_____ED_

Referred to Committee on Education

Introduced by:
(ED)

***AN ACT CONCERNING SCHOOL CONSTRUCTION PROJECTS AND
THE ELIMINATION OF SCHOOL CONSTRUCTION GRANTS FOR
COOPERATIVE REGIONAL SPECIAL EDUCATION FACILITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-66m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 No provisions of sections 10-66a to 10-66l, inclusive, shall be
4 construed to affect cooperative arrangements by boards of education
5 under [section 10-76e or] section 10-158a.

6 Sec. 2. Section 10-282 of the general statutes is repealed and the
7 following is substituted in lieu thereof (*Effective July 1, 2009*):

8 As used in this chapter [,] and section 10-65: [and section 10-76e:]

9 (1) "Elementary school building" means any public school building
10 designed to house any combination of grades below grade seven or
11 children requiring special education who are described in subdivision
12 (2) of subsection (b) of section 10-76d;

13 (2) "Secondary school building" means any public school building
14 designed to house any combination of grades seven through twelve or
15 any regional agricultural science and technology education center
16 established under the provisions of part IV of chapter 164, and may
17 also include any separate combination of grades five and six or grade
18 six with grades seven and eight in a program approved by the State
19 Board of Education when the use of special facilities generally
20 associated with secondary schools is an essential part of the program
21 for all grades included in such school;

22 (3) "School building project", except as used in section 10-289, means
23 (A) the construction, purchase, extension, replacement, renovation or
24 major alteration of a building to be used for public school purposes,
25 including the equipping and furnishing of any such construction,
26 purchase, extension, replacement, renovation or major alteration, the
27 improvement of land therefor, or the improvement of the site of an
28 existing building for public school purposes, but shall not include the
29 cost of a site, except as provided in subsection (b) of section 10-286d;
30 (B) the construction and equipping and furnishing of any such
31 construction of any building which the towns of Norwich, Winchester
32 and Woodstock may provide by lease or otherwise for use by the
33 Norwich Free Academy, Gilbert School and Woodstock Academy,
34 respectively, in furnishing education for public school pupils under the
35 provisions of section 10-34; and (C) the addition to, renovation of and
36 equipping and furnishing of any such addition to or renovation of any
37 building which may be leased, upon the approval of the Commissioner
38 of Education, to any local or regional board of education for a term of
39 twenty years or more for use by such local or regional board in
40 furnishing education of public school pupils;

41 (4) "Extension" of an existing school building means the addition to
42 an existing building or remaining portion of an existing building
43 damaged by fire, flood or other natural catastrophe, or the erection of a
44 new structure or group of structures on the same site which, together
45 with the existing building, is designed to house pupils in an

46 educational program under the supervision of one school principal;

47 (5) "Replacement" of a school building means the erection of a new
48 structure on the same or another site to replace a school building
49 totally destroyed by fire, flood or other natural catastrophe or one to be
50 abandoned for school use upon completion of its replacement;

51 (6) "Major alteration" means a capital improvement of an existing
52 building, the total project costs of which exceed ten thousand dollars
53 except for projects approved pursuant to subsection (a) of section 10-
54 65, for public school purposes resulting in improved educational
55 conditions;

56 (7) "Code violation" means the correction of any condition in an
57 existing building for public school purposes, the total project costs of
58 which exceed ten thousand dollars, and which condition is in violation
59 of the requirements of the State Building, Fire Safety or Public Health
60 Codes, state or federal Occupational, Safety and Health
61 Administration Codes, federal or state accessibility requirements or
62 regulations of the federal Environmental Protection Agency or the
63 state Department of Environmental Protection, state Department of
64 Public Health regulations for radon or federal standards for lead
65 contamination in school drinking water;

66 (8) "Completed school building project" means a school building
67 project declared complete by the applicant board of education as of the
68 date shown on the final application for grant payment purposes as
69 submitted by said board to the Commissioner of Education or his
70 agent;

71 (9) "Date of beginning of construction" means the date on which the
72 general construction contract or the first phase thereof, purchase
73 agreement or leasing agreement is signed by the authorized agent of
74 the town or regional school district;

75 (10) "Standards" means architectural, engineering and education

76 space specifications and standards for facility eligibility;

77 (11) "Application" or "grant application" means formal notification
78 of intention to apply for a state grant-in-aid for a particular school
79 building project;

80 (12) "Net eligible costs" means eligible project costs adjusted for the
81 state standard education space specifications;

82 (13) "Regional educational service center" means a body corporate
83 and politic established pursuant to the provisions of part IVa of
84 chapter 164;

85 (14) "Regional educational service center administrative or service
86 facility" means a building designed for administrative offices or
87 residential facilities, operated by a regional educational service center;

88 (15) "Agricultural science and technology education" includes
89 vocational aquaculture and marine-related employment;

90 (16) "Bonds or municipal bonds", except as used in section 10-289,
91 means (A) any bond, note, certificate or other evidence of
92 indebtedness, and (B) any energy conservation lease purchase
93 agreement;

94 (17) "Energy conservation lease purchase agreement" means any
95 lease purchase agreement, installment sale agreement or other similar
96 agreement providing for periodic payments by a town or regional
97 school district which (A) has as its purpose the financing of a school
98 building project concerning energy conservation, (B) separately states
99 the principal and interest components of the periodic payments to be
100 made under the agreement, and (C) provides that the town or regional
101 school district acquire title to the school building project upon
102 payment of the total amount outstanding under the agreement;

103 (18) "Renovation" means a school building project to totally
104 refurbish an existing building (A) which results in the renovated

105 facility taking on a useful life comparable to that of a new facility and
106 which will cost less than building a new facility as determined by the
107 department, provided the school district may submit a feasibility study
108 and cost analysis of the project prepared by an independent licensed
109 architect to the department prior to final plan approval, (B) which was
110 not renovated in accordance with this subdivision during the twenty-
111 year period ending on the date of application, and (C) of which not less
112 than seventy-five per cent of the facility to be renovated is at least
113 thirty years old;

114 (19) "Certified school indoor air quality emergency" means the
115 existence of a building condition determined by the Department of
116 Public Health to present a substantial and imminent adverse health
117 risk that requires remediation in an amount greater than one hundred
118 thousand dollars;

119 (20) "Turn-key purchase" means the purchase of a facility that a
120 party has agreed to construct or renovate and deliver as fully
121 completed in accordance with an agreement between that party and a
122 purchasing school district.

123 Sec. 3. Subdivision (1) of subsection (a) of section 10-283 of the
124 general statutes is repealed and the following is substituted in lieu
125 thereof (*Effective July 1, 2009*):

126 (a) (1) Each town or regional school district shall be eligible to apply
127 for and accept grants for a school building project as provided in this
128 chapter. Any town desiring a grant for a public school building project
129 may, by vote of its legislative body, authorize the board of education of
130 such town to apply to the Commissioner of Education and to accept or
131 reject such grant for the town. Any regional school board may vote to
132 authorize the supervising agent of the regional school district to apply
133 to the Commissioner of Education for and to accept or reject such grant
134 for the district. Applications for such grants under this chapter shall be
135 made by the superintendent of schools of such town or regional school
136 district on the form provided and in the manner prescribed by the

137 Commissioner of Education. The application form shall require the
 138 superintendent of schools to affirm that the school district considered
 139 the maximization of natural light and the use and feasibility of wireless
 140 connectivity technology in projects for new construction and alteration
 141 or renovation of a school building. Grant applications for school
 142 building projects shall be reviewed by the Commissioner of Education
 143 on the basis of categories for building projects and standards for school
 144 construction established by the State Board of Education in accordance
 145 with this section, provided grant applications submitted for purposes
 146 of subsection (a) of section 10-65 [or section 10-76e] shall be reviewed
 147 annually by the commissioner on the basis of the educational needs of
 148 the applicant. Notwithstanding the provisions of this chapter, the
 149 Board of Trustees of the Community-Technical Colleges on behalf of
 150 Quinebaug Valley Community College and the following entities that
 151 will operate an interdistrict magnet school that will assist the state in
 152 meeting the goals of the 2008 stipulation and order for Milo Sheff, et al.
 153 v. William A. O'Neill, et al., as determined by the commissioner, may
 154 apply for and shall be eligible to receive grants for school building
 155 projects pursuant to section 10-264h for such a school: (A) The Board of
 156 Trustees of the Community-Technical Colleges on behalf of a regional
 157 community-technical college, (B) the Board of Trustees of the
 158 Connecticut State University System on behalf of a state university, (C)
 159 the Board of Trustees for The University of Connecticut on behalf of
 160 the university, (D) the board of governors for an independent college
 161 or university, as defined in section 10a-37, or the equivalent of such a
 162 board, on behalf of the independent college or university, (D)
 163 cooperative arrangements pursuant to section 10-158a, and (E) any
 164 other third-party not-for-profit corporation approved by the
 165 commissioner.

166 Sec. 4. Subdivision (4) of subsection (a) of section 10-286 of the
 167 general statutes is repealed and the following is substituted in lieu
 168 thereof (*Effective July 1, 2009*):

169 (4) In the case of a regional agricultural science and technology

170 education center or the purchase of equipment pursuant to subsection
171 (a) of section 10-65, [or a regional special education facility pursuant to
172 section 10-76e,] an amount equal to the eligible cost of such project, as
173 determined by the Commissioner of Education;

174 Sec. 5. Section 10-287d of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective July 1, 2009*):

176 For the purposes of funding (1) grants to projects that have received
177 approval of the State Board of Education pursuant to sections 10-287
178 and 10-287a [] and subsection (a) of section 10-65, [and section 10-76e,]
179 (2) grants to assist school building projects to remedy safety and health
180 violations and damage from fire and catastrophe, and (3) regional
181 vocational-technical school projects pursuant to section 10-283b, the
182 State Treasurer is authorized and directed, subject to and in
183 accordance with the provisions of section 3-20, to issue bonds of the
184 state from time to time in one or more series in an aggregate amount
185 not exceeding six billion seven hundred thirty-one million eight
186 hundred sixty thousand dollars, provided six hundred twenty-three
187 million dollars of said authorization shall be effective July 1, 2008.
188 Bonds of each series shall bear such date or dates and mature at such
189 time or times not exceeding thirty years from their respective dates
190 and be subject to such redemption privileges, with or without
191 premium, as may be fixed by the State Bond Commission. They shall
192 be sold at not less than par and accrued interest and the full faith and
193 credit of the state is pledged for the payment of the interest thereon
194 and the principal thereof as the same shall become due, and
195 accordingly and as part of the contract of the state with the holders of
196 said bonds, appropriation of all amounts necessary for punctual
197 payment of such principal and interest is hereby made, and the State
198 Treasurer shall pay such principal and interest as the same become
199 due. The State Treasurer is authorized to invest temporarily in direct
200 obligations of the United States, United States agency obligations,
201 certificates of deposit, commercial paper or bank acceptances such
202 portion of the proceeds of such bonds or of any notes issued in

203 anticipation thereof as may be deemed available for such purpose.

204 Sec. 6. Section 10-287i of the general statutes is repealed and the
205 following is substituted in lieu thereof (*Effective July 1, 2009*):

206 A grant under this chapter for any school building project
207 authorized by the General Assembly on or after July 1, 1996, or for any
208 project for which application is made pursuant to subsection (b) of
209 section 10-283, on or after July 1, 1997, shall be paid as follows:
210 Applicants shall request progress payments for the state share of
211 eligible project costs calculated pursuant to sections 10-65 [, 10-76e]
212 and 10-286, at such time and in such manner as the Commissioner of
213 Education shall prescribe provided no payments shall commence until
214 the applicant has filed a notice of authorization of funding for the local
215 share of project costs, and provided further no payments other than
216 those for architectural planning and site acquisition shall be made
217 prior to approval of the final architectural plans pursuant to section 10-
218 292. The Department of Education shall withhold five per cent of a
219 grant pending completion of an audit pursuant to section 10-287
220 provided, if the department is unable to complete the required audit
221 within six months of the date a request for final payment is filed, the
222 applicant may have an independent audit performed and include the
223 cost of such audit in the eligible project costs.

224 Sec. 7. Section 10-76e of the general statutes is repealed. (*Effective*
225 *July 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	10-66m
Sec. 2	<i>July 1, 2009</i>	10-282
Sec. 3	<i>July 1, 2009</i>	10-283(a)(1)
Sec. 4	<i>July 1, 2009</i>	10-286(a)(4)
Sec. 5	<i>July 1, 2009</i>	10-287d
Sec. 6	<i>July 1, 2009</i>	10-287i
Sec. 7	<i>July 1, 2009</i>	Repealer section

Statement of Purpose:

To repeal section 10-76e of the general statutes concerning school construction grants for cooperative regional special education facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]